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THE
COMPLAINER
FURTHER
REPROV'D:
IN THE
OBSERVATIONS
MADE BY THE
President and his Suffragan Bishops,
UPON
A Paper Presented to them by the Prolocutor of the
Lower-House, Dec. 1. 1704.

A N D

His G R A C E's Speech, Deliver'd to those of the
Lower-Clergy who were present at the time of his Pro-
roguing the Convocation, *March 15. 1704.*

Together with several Papers from the Lower-House, to which
they Refer; and which, having been Printed and Dispen-
Apt to prejudice the Clergy against their Bishops, made it
necessary to Publish the whole Proceeding entire.

L O N D O N :

Printed for *A. and J. Churchill*, at the Black Swan in
Pater-Noster-Row, 1705.

СОМПАНИИ

занятости

РЕФРОВ

занятий

СКОРЫХ СЕЗОН

занятых в Амстердаме

и в Голландии

и в Англии

и в Испании и в Португалии и в Франции и в Италии и в Греции и в Румынии и в Болгарии и в Сербии и в Чехии и в Австрии и в Германии

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The SREFACE

Sixty-eighth Volume Number Two February 1968

PREFACE

PREFACE

ON E Artifice, among many others, to gain Credit to those of the Clergy engaged in the late Oppositions to their Metropolitan and Bishops, has been, the Printing and Dispensing their Papers Apart, without any Notice of the Answers and Resolutions of the Upper House.

Last Year, came out their Representation, with a Preface full of Complaints and Invectives against their Lordships: And to take off the unjust Prejudices it had raised among the Clergy, there was a Necessity of Publishing the Speech made to them by the President on that occasion, with a particular Reply to the Preface; which was accordingly done under this Title, The Complainant Reprov'd.

This Winter, again, they had no sooner presented to the Upper-House, a Paper much more Indecent and Reflecting than the former, but it was made Publick by some Zealot for the Independence of the Lower-House. Against which Popular way of Proceeding, and the Injustice done to their Lordships by it, there was no Remedy, but this Publication of that Paper (more Correct than before,) together with the Observations made upon it by the President and Bishops.

The P R E F A C E.

Since the Publication of their first Paper, others which they lately left upon the Table of the Upper-House, have been Printed and Dispers'd, without the least Intimation of any Reply made to them by the President and Bishops: And therefore this Opportunity was taken to do Justice to the Upper-House, in sending Abroad his Grace's Speech by way of Answer to those Papers; not alone, (as the Practice of their Friends has been) but with the particular Papers at large.

Which Method must needs be more acceptable to all, who are inclin'd to be Impartial in their Examination and Judgment, than that other, which confines their Enquiries to one side of the Cause. And if all Persons concern'd in these Matters, whether as Represented in Convocation or Representing others, will but take up this Impartial way of Judging, and seriously Reflect, how these new Measures came first to be set a-foot, upon what strange Pretences they are built, and what may be the Consequence to the Church, if Presbyters go on in this Contempt and Defiance of their Ecclesiastical Superiors; we may then hope to see all Proceedings restored to their true ancient Chanel, and Convocations, which of late Years by being made Troublesom have been made Useless, become a real Benefit and Advantage to the Church.

Obser-

Observations made by the President and his Suffragan Bishop, in the Convocation of the Province of Canterbury, upon a Paper deliver'd to them by the Prolocutor of the Lower-House of the said Convocation, Dec. 1. 1704; a true Copy whereof is subjoyn'd.

May it please your Grace and your Lordships,

" **I**t is not without exceeding Grief, that we have found a general Complaint amongst all, who wish well to our Church, and especially amongst the Clergy, whom we represent; That notwithstanding the Convocations of this Province have, after a long Discontinuance, been for some Years last past, duly and regularly held; yet the Publick hath not hitherto reap'd thereby any of those Benefits, which might be reasonably expected from them. We are deeply sensible, that a Complaint of this kind, doth not only cast a Reproach upon your Lordships, and upon us, but doth also tend to the Disparagement of the Constitution of this Church, and gives Occasion to some slanderous and evil disposed Persons to utter rash and unsound Speeches, against the Necessity and Usefulness of Ecclesiastical Synods. We therefore think it our indispensible Duty, to do whatever in us lies, for the time to come, in Order to silence that Complaint, which we have constantly, and earnestly endeavour'd, for the time past, to prevent. For we beg Leave to observe to your Lordships, that whatever Blame the whole Convocation may lie under, for having made so little Progress in Business relating to the Publick Good of the Church; yet the Clergy of the Lower-House, have all along made such Advances therein, that they have been rather accus'd for being too forward, than censor'd for their Remissness. A greater Progress had without doubt been made, in the dispatch of Publick Business, had it not been interrupted by the unhappy Disputes between the Two Houses, concerning the Manner of Synodical Proceedings; and we should think our selves justly chargeable with all the evil Consequences of those Disputes, if our Consciences did not bear us Testimony, that we neither rais'd them, nor, after their Rise, omitted any means, which we could possibly contrive for bringing them to a regular Determination.

" We had Hopes, that all differences between the Two Houses about Forms, would more easily and sooner be compos'd, if both entered upon Business of that Weight and Moment, as it might justly be conceived, all the Fathers and Sons of this Church would unanimously promote: And the Lower-House would with

" Glad-

" Gladness have receiv'd any Directions, which your Lordships,
 " in your great Wisdom should have been pleas'd to have given
 " them for the Good of this Church. But when nothing of this
 " kind was offer'd to them by your Lordships, your Clergy thought
 " they might, without being guilty of too great Presumption, make
 " their humble Applications about such Matters to your Lordships.

" They did, accordingly, some Years since, lay before your
 " Lordships, several Positions (extracted out of a Book entituled,
 " *Christianity not Mysterious*, and bearing the Name of *J. Toland*)
 " which they judged to be pernicious, dangerous, scandalous, and
 " destructive of the Christian Faith; and did pray your Lordships
 " Concurrence with their Resolutions, together with your Advice
 " and Directions, what effectual Course might be taken to suppress
 " pernicious Books, written against the Truth of the Christian Re-
 " ligion, and to prevent the Publication of the like for the future.
 " Your Lordships were not pleas'd hereupon, to declare to the *Lower-*
 " *House*, your Opinions concerning the Positions presented to you,
 " or concerning the Book, in which they were contain'd (which
 " was at the same time lain before your Lordships) or to give your
 " Clergy the Advice and Directions which they humbly pray'd.

" After this, several other Books were Publish'd of the like per-
 " nicious Nature and Tendency; and it manifestly appear'd, that
 " the Adversaries of our Holy Faith were so far from being deter'd,
 " that they proceeded to vent their impious Opinions with great-
 " er Assurance and Licentiousness.

" The *Lower-House* in this Convocation, did, in all humble man-
 " ner, remind your Lordships of this daring Liberty of the Press;
 " thro' which, several ungodly Books were still dispers'd; and did
 " then more particularly point at a scandalous Book, in which the
 " Immortality of the Souls of Men was openly deny'd: But suffici-
 " ent Notice was not taken of such Books; by reason whereof, the
 " Honourable House of Commons brought this Matter under their
 " Cognizance, and pass'd a Censure upon one of the Books, by
 " your Clergy complain'd of, to the great Honour of that Body,
 " not without Reproach upon the Convocation then sitting.

" The Clergy of the *Lower-House* found no Success from these
 " their reiterated Addresses to your Lordships, who had been plea-
 " sed to acquaint them, that upon consulting Council learned in
 " the Law, concerning Heretical, Impious, and Immoral Books,
 " you could not find how, without a Royal Licence, you had suf-
 " ficient Authority to Censure judicially any such Books. Where-
 " fore, tho' they were fully satisfied, that your Lordships might have
 " com-

" comply'd with their Desires, without a Royal Licence, or might
 " have obtain'd a Licence, if requisite; yet they were unwilling
 " to press your Lordships any farther upon that Head; and went
 " on to lay before your Lordships other Matters, in which there
 " could be no doubt but your Lordships might interpose your E-
 " pisopal Authority, without the Intervention of a Royal Licence.
 " They did therefore humbly present to your Lordships several Ar-
 " ticles of Grievances, in hopes, that some of them at least would
 " appear to your Lordships, as all of them did to them, worthy of
 " present Deliberation and Redress. Your Grace was pleas'd to
 " acquaint them, That an Order had been given, for making out
 " Copies of the Representation, both for the present and absent Bi-
 " shops, who your Grace trusted, would make the proper use of them
 " at all times, and especially at their Visitations; and would also
 " call upon their respective Arch-Deacons, to do all that was in
 " their Power, in their's, to give them farther Information, and
 " and to redress Abuses, as far as may be.

" Your Clergy shall very much rejoice to be informed by your
 " Lordships, that such Use has been made, as your Grace trusted
 " would be, of that Representation; and shall be very thankful
 " to your Lordships for what they shall learn has been done by
 " your Lordships for the Redress of those Abuses; and if any
 " thing remains further to be done therein Synodically, the Lower-
 " House will gladly join with your Lordships in so good and ne-
 " cessary a Work; as having no other End in their View, but a
 " Reformation of such things as are amiss, and utterly detesting
 " from their Hearts any such sinister Intention, as they have been
 " unjustly charg'd with, of bringing an Odium upon your Lord-
 " ships by the Representation they made. for which false and
 " uncharitable Surmise, no ground was given either by the Mat-
 " ter or Manger of that Representation.

" Your Clergy do, with all Duty, submit the Consideration of
 " these Things to your Lordships godly Wisdom; and do most
 " earnestly beseech your Lordships, That you would exert your
 " Pastoral Vigilance and Zeal for rescuing Convocations from that
 " Contempt, into which they are in great Danger of falling, if
 " they should be wholly useless to the Church and State; and,
 " that in order thereto, your Lordships would condescend to im-
 " part to your Clergy the Result of your Lordships wise Confu-
 " tations about what may Legally and Properly be done by this
 " Synod, for the Honour of Religion, and for the Maintenance
 " of the Doctrine, Worship, and Discipline of this Church; and
 " would also candidly receive from your Clergy such dutiful Ap-
 " plications.

" plications, as they shall, from time to time, make to your Lordships for those good Purposes. At present we think our selves oblig'd to repeat to your Lordships a Motion formerly made by this House, concerning a Bill for the more Ease and Speedy Recovery of Church-Rates. We judge it highly requisite, That such a Bill should be drawn and offer'd in Parliament, in order to remove the Objection rais'd against the present Methods of Levying Church Rates in some Cases; and to satisfie the just Expectation of those who prevent'd the passing of a former Bill to this purpose, of dangerous Consequence to the Liberties of the Church, immemorially enjoy'd and solemnly declar'd in the Statute of *Circumscripta agatis*. We therefore pray your Lordships, that some of our House, having Jurisdiction, may be permitted to join with your Lordships in preparing the Heads of such a Bill, as may redress the Grievance complain'd of, without impairing the Authority of the Church in that behalf. And we think such a Bill, at this time, to be the more necessary, by reason of the great Damage done to several Churches in this Province by the late dreadful Storm.

" We do also beg Leave again to take notice of the many evil and pernicious Books, which are Publish'd and industriously Dispers'd, to the Dishonour of God, and the great Scandal of this Church. And we do with all Humility and Earnestness repeat that request, which we formerly made to your Lordships, That you would be pleas'd to take this matter into your most Serious and Paternal Consideration, and use your Interest in the Parliament for the passing a Bill against the Licentiousness of the Press.

" We do further humbly Represent to your Lordships, That there are, and increase daily, many Difficulties upon the Parochial Clergy, about the Administtring the Holy Sacrament to all Persons indifferently, who demand it, in order to qualifie themselves for Offices (as is required by several good and wholesome Laws, which are very necessary for the perpetual Establishment and Security of our Church) because we see not, how we can in several Cases act conformably to the Rubrick and Canons of the Church, in repelling such Persons as are unworthy, and particularly notorious Schismaticks, without exposing our selves to Vexatious and Expensive Suits at Law. We therefore most humbly beseech your Lordships, in Tenderness to the Clergy, over whom God has made you Overseers, to employ your Interest for the freeing us from these Difficulties; and in the mean time to give us your Paternal Direction, how you think it fit, we should behave our selves under such Exigencies.

THE

and their Encroachments upon the Ecclesiastical Power of the Lower-House, let the Convocation of this Province, which is now in session, consider what steps it may take to secure the due exercise of the said Power.

The Observations of the Upper-House, upon the foregoing Paper.

IN our Observations upon this Paper from the Lower-House, we cannot but take notice at the entrance, that it is not directed to the President and his Suffragan Bishops, as all Addresses from the Lower-House to the Upper ought regularly to be. And we have the greater reason to observe this as an Irregularity at present, because they may remember, that we particularly admonish'd them of it in a former Paper of March 6th 1700, at the very beginning of this Controversie between the two Houses. But whether or no they remember or regard that, We cannot forget the Attempts that have been made, to deprive the President of that his ancient Title, partly by censuring it as *Modern*, and partly by transferring the Presidency over the Lower-House, from His Grace to their Prolocutor. And however they might then be betray'd into that Error, as they were into many others, for want of a due Examination into the Language and Proceedings of former Times; yet it seems strange to Us, that they should continue their declining of that Style, and the Authority imply'd in it, after they have receiv'd so full and ample Testimonies of it; since it is that which has been us'd in the Canons of our Church 1603, and in the Ratification of them by King James I. of Blessed Memory, as also in the Act for the Uniformity of Publick Prayers.

They tell us of a general Complaint among the Clergy, that of late Years, the Publick has reap'd so little Benefit from the Sittings Convocations of this Province. And herein We agree with them, that it is just matter of Grief and Complaint to see so many of the Clergy leave their particular Cures and Jurisdictions, to pay their Attendance here, and at the same time to make it impossible by their Unwarrantable Claims,

Power of
the Lower-
House, p.
17. c. 2.
p. 18. c. 1.

and their Encroachments upon the Metropolitical and Epicopal Rights, for the Convocation to do any Service to the Church in general. We wish it were not too true, that these Disputes (which could not be avoided on the Side of the Upper-House, unless they would give up their undoubted Rights, and therewith the Constitution) have done, and continue to do great Difservice and Dishonour to the Church. For which it is easie to see who are answerable to God and the Nation; We, who have always shewn and express'd our Readiness to proceed by the ancient and establish'd Rules; or They, who have invented such Methods as are not only without all Warrant from Antiquity, but visibly tend to raise them to a co-ordinate Power with their Metropolitan and Bishops.

As We know, and in our Consciences believe, That this is the only true Account of these Differences, which, to our great Grief, have happen'd in Convocation; so it is a great Satisfaction to Us, to be assur'd (as We are) that so many of the Clergy of the Province, and particularly so considerable a Number of Worthy and Learned Persons in the Lower-House, continue stedfast in their Duty, and concur with Us in the defence of Our just Rights: Believing (as We verily do) that the Safety and Being of this Part of Our Constitution depends upon Our oppofing and preventing such Innovations at this time, as being suffer'd to run on, would bring Us into a *New danger of Presbytery*, by enabling Presbyters in all future Times, to bid defiance to their Ecclesiastical Superiors, and to Act independently from them in the highest and most general Concerns of their Church.

While one Part of the Convocation-Clergy are pursuing these irregular and undutiful Measures, We must not blame the other part (who cannot in Conscience join with them) if they think they do the Church greater Service by Attending their respective Cures; till Her Majesty by Her Royal Licence shall be pleas'd to impower the Convocation to proceed to Business, and the Methods of transacting such Business can be agreed and establish'd. For it is strange, how any of the Clergy should understand so little of our Constitution,

tion, as to make it a Matter of Complaint that no Business is finish'd, when they know that the Royal Licence has not yet enabled Us to begin any; and that they should be so little acquainted with the manner of publick Proceedings, as to hope, that an Attorney to do Business, while those Points remain undetermin'd, can have any other Effect, than the increasing our unhappy Differences. Considering how impossible it is for the Lower-House (under their present Resolutions) to carry on the Business of any one Day without falling into some one or other of those irregular Practices, against which their own Brethren will be forc'd to enter their daily Protestations, and against which the President and Bishops (however they have born them thus long) must be oblig'd to find some other Method of Proceeding. And therefore We cannot otherwise interpret this seeming Earnestness in some of the Clergy to proceed to Business, (without either Royal Licence, or Agreement in the necessary Forms) than a design to render themselves Popular, and their Superiors Odious, among such of the Clergy, as want either Inclination or Opportunity to see how absurd and impracticable such a Proposition is. Nor shall their Clamours and Reproaches, either within Doors, or without, ever prevail upon Us so far, as to make Us forget the Regard We owe to Our Order, and to the Laws of the Land, and to the Safety of the Clergy of this Province. Which Clergy would do well to consider themselves involv'd in the Guilt of every illegal Step that their Representatives have made, or may hereafter make; and then all of them would be (as We are sure many of them are) heartily thankful to those who have endeavour'd to put a stop to such dangerous Irregularities. For there is one Thing which they say in their Paper undoubtedly true; that they have been accused of being *too forward*; not in doing Business for the real Service of the Church, but in attempting Business which to Us seems to be against Law, to imminent danger of the Clergy whom they Represent.

If it be a *Reproach to Generations*, and the Members of them, to do no Business while they have no Licence to Empower them; it cannot be a less *Reproach to supersede all*

Business, with a Royal Licence in their Hands. And yet this was the Case in 1689, when it was the general and avow'd Sense of the Majority of the Lower-House, that they could not better serve the Church, than by declining the Business propos'd by the King. And if *Sitting Convocations* be so absolutely necessary to preserve Order and Discipline in the Church, the Clergy of this Province from the Year 1663, to 1689, (in which time they neither did nor attempted Business) must be accounted extremely supine and negligent in their Duty. Nor to mention the Province of York; where they have not seen a *Sitting Convocation* from 1663, to this Day; nor seem to be at all perswaded by these Clamours in the neighbouring Province, that they have any real Occasion for them.

For in Truth, Their Predecessors and Ours knew what We and They are also very sensible of, that the great Support and Security of the Church, rests in the due Execution of Laws and Canons already made; And if any of the Clergy of the Lower-House, will inform their respective *Diocesses* of any Grievances or irregular Practices within their Jurisdiction, We doubt not but we shall find Laws and Canons in being, sufficient to correct and punish the Offenders; And We hope, by God's Grace, that We shall shew a due Zeal, for the putting of them in Execution. Leaving it, in the mean time, to the Wisdom of Our most Gracious Sovereign, upon that entire Confidence We justly have in Her Royal Care and Affection for the Church, to judge, as the only Supreme Head thereof on Earth, what Improvements in our Constitution may be necessary, and when it is fit for Her Majesty, by her Royal License, to direct and empower the Convocations of her two Provinces, to enter jointly upon Them.

If there be any Thing which renders Our Endeavours to preserve the Discipline of Our several Dioceses, less effectual than We could desire, it is not so much the Defect of the Ecclesiastical Laws, as the *Ribbrates* industriously and very unjustly spread amongst Our Clergy against Us and Our Proceedings. From whence many groundless Jealousies and Reflections

sections have sprung, and a Disrespect has been brought up: on the *Episcopal Authority*, to the manifest Prejudice of Ecclesiastical Discipline, and the great Guilt of those, who having for private Ends of their Own, aspers'd Our Persons and Administration, must one Day account for it, to the great *Bishop and Shepherd of our Souls.*

As to the present Controversie, being fully persuaded in our Consciences, that we have proceeded according to the Examples of Our Predecessors, and that these Disputes arose and grew purely from the Attempts of some of the Clergy to disengage themselves from Our Authority by Privileges which their Predecessors never claim'd or pretended to; Under this Belief, we cannot but be amaz'd at that solemn Declaration which they make in their Paper, that they *neither rais'd the Disputes, nor after their Rise, omitted any Means which they could possibly contrive for bringing them to a regular Determination.*

We have, indeed, deny'd and oppos'd several of their Claims, and by God's Help shall not give Posterity occasion to Charge Us with suffering any Innovations to settle in Our Times.

Such, to name no more, are these which follow:

Their Attempt to put the Prolocutor Elect, in the Chair, Antecedent to the Confirmation of the President and his Suffragan-Bishops.

Their sending Messages to the Upper-House by another Hand, when the Prolocutor was in the House.

Their giving Leave to their Members to be Absent, and to substitute Proxies in their room.

Their Refusal to give an Answer in Writing, when Expressly required to do it by the President and Bishops, with the demand of a Free Conference instead thereof.

Their Refusal to appoint a Committee, at the Command of the Upper House.

Their Choice of an AQuary independent upon the Register of the Upper-House.

The Prolocutor's calling the Schedule of Continuation, a Paper to acquaint them that the Lords had Adjourn'd themselves to such a Day.

The

*The Prolocutor's asking the Consent of the House, as to the Time
to which they would Continue themselves.*

Their Continuing themselves to Intermediate Days.

These are some of the Claims on the part of the Lower-House, which rais'd, and do still keep up, the Disputes in Convocation. And let those who were the Authors of them, impartially examine their own *Consciences*, whether it was the Authority of *Books*, or the Force of Private Prejudices against their Superiors in the Church, that first led them to these Invasions of Our Rights. But whatever was their Ground or Motive, We are very sure it was not the Practice of former Times; Upon which Account We found our selves bound in Conscience to oppose them as Innovations; the rather because they were evidently design'd to introduce a Separation and Independence of the Presbyters in Convocation from their Metropolitan and Bishops: And this, pursuant to that new Notion of an Alliance in Constitution and Proceedings between the *Commons Temporal* in Parliament, and the *Spiritual Commons* (as they have stil'd Themselves.) For which end, forsaking and perverting the ancient Synodical Language, They have not only affected Parliamentary Terms, (as *Adjournment*, *Recess*, *Committees of the whole House*, *Free Conference*, *Ways and Means for promoting Religion*, and the like;) but have also strained some of the Synodical Terms, (*Prorogation*, *Sessio*, &c.) to Parliamentary Senses, never heard of before in Convocation.

Forms and Language may at first sight appear trivial Things not worth the contending about; but they who are in any Measure acquainted with Publick Proceedings, know that no Order can be preserv'd, but in the establish'd Methods, and that in all Disputes about Jurisdiction, *Forms* are necessary for the defining the bounds of Authority; And an Uncertainry in these brings all that is done to be Disputable, and lays a foundation of Quarrels and Contentions to Posterity. Nor can there be any Reason, why Men should desire or attempt a Change in the ancient Forms, Language, or Interpretations, if they were not uneasy in their State of Subordination. The thing therefore that seems plainly aim'd at in the present

Cafe, is an Independence from the Metropolitan and Bishops; And as it is evident to Us, that these Claims, if admitted, would introduce and establish such an Independence, so, That being establish'd, it is easily foreseen, what would in a short Time become of the Episcopal Authority.

Their using all Means which they could possibly contrive, for bringing those Disputes to a regular Determination, is another Article which They have charg'd upon their Consciences in a very solemn manner. But whether They, or We, have taken the more probable Measures to come to a right Understanding on both Sides, will better appear by Actions than Protestations. At the beginning of this Dispute (in which the Right to Continue was then, and still is, a very important Point) We delivered to Them in Writing, the Reasons of Our Right at large; judging that the two Things more especially requisite to bring any Controversie to a regular Head, namely a right Understanding of the Principles of each other, and Time to consider them maturely, would be best attain'd and answer'd by written Accounts; especially in a Case wholly New, and where there was occasion for so great a Variety of Citations from Records. For which end, We did at the same time direct Them (as we have an undoubted Right to do in all Cases wherein we see it Convenient) to return their Answer to it, together with the Grounds of their own Claim, in Writing. But they absolutely refus'd to give any Account of their Principles or Practices, except in a Free Conference; which being a new Word and a new Thing, in Convocation, and more likely to perplex, than determine a Cause of that Nature, We reckon'd their Refusal of the most effectual and only Synodical way, and their insisting upon a Method equally improper and unsynodical, to be joint Testimonies of their Unwillingness to bring that Point to a just and regular Determination.

In the Convocation of 1702, they apply'd to Us to take into Consideration again, the Question concerning their Right to Intermediate Sessions, but declar'd in the very same Address, that they conceiv'd the Being of the Lower-House to Subsist upon their Enjoyment of that Right. Which Declaration:

ration we iinterpreted (as we had Reason to do) a fix'd Resolution on their Side (as in a following Address it appear'd to be) not to suffer their Claim, or any Branch or Degree of it, to be call'd in Question; nor to be otherwise consider'd, than as a first Principle to be taken for granted. They desire Us, under Pretence of a zealous Disposition to Peace, to take the Matter into Our Consideration, and at the same time they leave Us nothing to consider. We on Our part propos'd, what by their own Confession has been sufficient for the dispatch of Business in all former Convocations, *That the Lower-House may meet in Committees, to prepare Business between the Synodical Prorogations.*

And the Constitution having lodg'd in Us the Power of Prorogation, as in all Governments Ecclesiastical and Civil, Trusts must be lodg'd somewhere; and in fact are always lodg'd in the Hands of *Superiors*, in Confidence that they will discharge them to the Benefit of the Community; We hereupon further assur'd them, *That when Busines\$ shall be before the Convocation, the President, with the consent of his Suffragans, will so order the Prorogations, that there shall be sufficient and convenient Time allow'd for the considering and finishing of it.*

These two Propositions were the utmost We could grant with safety to that Power vested in Us by the Constitution; and these, We knew, were all that could in Justice or Reason be desir'd by them, since their Predecessors had never pretended to any other, as finding these fully sufficient for the dispatch of Busines\$; particularly in the Convocation of 1661, wherein so much was dispatch'd; and by no other Methods, than what We now propose.

To these Testimonies of Our desire of Peace and good Agreement, and Their Unwillingness to bring the present Disputes to a just Determination, We cannot but add One more. It is agreed on all Hands, that the loss of so many Records of Convocation has been one great Cause of the Rise and Progress of this unhappy Controversie? And that therefore one great Step toward a fair and just Accommodation, would be the discovery of more Records, if any should be found. Upon this Principle, the most Reverend the Presid-

dent having been inform'd that the Upper-House-Register of 1661, was still in Being, but in a private Hand; he spar'd no Pains to procure the Original, that he might lay it (as he immediately did) before the Two Houses of Convocation, to be jointly consider'd and examin'd by them: To the end, that both Houses having all the Light he possibly could give them concerning the Points under Debate, nothing might be wanting on his Part to come to a right and speedy Decision of Them.

It has been known to the Lower-House ever since the beginning of this Controversie, That Dr. Heylin's Extracts out of the lost Records of Convocation, are in the Possession of One of their Members; who has not only declar'd to Them and all the World, that they are in his Hands, but also to shew of what Importance they are, describes them to be a full and particular Abridgment, giving an Account of the Acts, Day by Day, and Leaf by Leaf. And yet, notwithstanding, these Disputes, occasion'd chiefly by the want of Records, have been depending thus long, to the great Disturbance of the Convocation, and the Church in General, He has not been prevail'd with to produce them (tho' often upbraided publickly with the Disingenuity of that Concealment,) nor have the Lower-House thought fit, once to desire an Examination of them in order to the Publick Peace.

Dr. Atter.
bury, Right
C. 617.
662.

They did, indeed, make one very extraordinary Step toward an Accommodation in a separate Address to Her Majesty, wherein they pray Her, to take this Controversie into Her Consideration: But (besides the Irregularity of Addressing separately from the Upper-House) the Effect and Issue of that Address may convince them that We had good Reason in warning them beforehand that it was an *improper*, and (after the Overtures made by Us) an *unnecessary Application*.

As to the Point of censuring Books (which is *their next Article of Complaint*,) We thought they might have been satisfy'd by this time, that they had already carry'd their Attempts beyond the bounds of the Law; after We had acquainted Them with the Opinions of Council Learnd in the C. 617. Codex of Common Law,

to 1689-H-1599 U 315. 1689-H-1599 U 315. I am not need givell such
 Lawe That the Convocation has no Authority to pass such
 Gensures, & Whereto We were confirm'd by a very plain Pre-
 cedent : which being in the Records at length, and that so
 lately as 1689, might also have been a Warning to Them a-
 gainst any Attempts of that kind : The Right Reverend the
 Lord Bishop of London, President of the Convocation, ex-
 pressly declaring to the Lower House, That *Hc* and his Bre-
 thren were satisfy'd, that there were divers pernicious Doctrines
 in the Books which they had laid before Them, but that they
 were inform'd by Lawyers, both Common and Civil, that the
 Punishment of such Offences (and, by Consequence, the Cogni-
 zance of them) belong'd to the Judicial Courts. And we cannot
~~but~~ think, if our Predecessors of both Houses had believd
 themselves legally possess'd of any such Authority, that so
 pernicious and publick a Book as Hobbes's *Louianthan* (to
 name no more) could have escap'd the Notice and Censure of
 so many Pious and Learned Persons in the Convocation of
 1661. But it is no Surprize to Us, to find that the Lower-
 House, who have offer'd Us so many other Opinions upon
 their bare Authority, will still decisively affirm that the Con-
 vocation hath this Power, without giving either Reason or
 Precedent for it.

Upon a mature Consideration of the Passages noted by
 the Lower House, and laid before Us out of Toland's
 Book ; We foresaw, that altho' the Convocation had been
 vested with an undoubted Power of Gensuring and Prose-
 cuting in that Case, they were capable of such a Con-
 struction, as would set both the Book and the Author out of
 the reach of the Law. But a Committee of our Own House
 whom we appointed to inspect that Book, having laid before
 Us other Doctrines therein, not observed by the Lower-
 House, tho' directly obnoxious to the Laws, and which the
 Author himself has since that time publickly retract'd : We
 proceeded in pursuance of the Advice given by Council
 Learned in the Laws (both to Us and to the President and
 his Brethren in 1689,) to recommend the Prosecution of the
 Author to the Bishop in whose Diocese he then resided.

When therefore those of the Clergy, in their Paper, make
 their

their Acknowledgments to the Honourable House of Commons, for a Convocation upon that Weak, but yet painfull occasion book, written by Casaubon, against the Immortality of the Soul; they ought not to have said it was a Reproach upon the Convocation; nor to have omitted, that as the Honourable House of Commons did their part, so We also had done whatsoever in our Power. Particularly, it might have been observed, that the very Author censur'd by the House of Commons, had been before that time actually prosecuted for that Book, by the Bishop of Norwich, within whose Jurisdiction he liv'd; till by that Prosecution he was driven out of that Diocese, and retir'd to London. Upon Notice thereof, particular Enquiry was made by the Arch Bishop, whether he had setteld in any of the Parishes within his peculiar Jurisdiction; but it appearing'd that he dwelt in the Diocese of London, Notice thereof was given by the said Bishop of Norwich to the Bishop of London and his Chancellor, in the Presence of the Arch Bishop, in order to have him judicially cited into his Court.

We agree with them that the Grievances of the Clergy are legally and regularly to be offer'd to Us by their Representatives in Convocation; and for that Reason, we receiv'd them readily, and the President return'd such an Answer as was suitable to his and our tender Concern for the Church and Clergy. This, We know, is the ancient Method; but it is wholly New, and without Precedent, for Presbyters, to expect (as they plainly do) that their Metropolitan and Bishops should be accountable to them for their Conduct and Behaviour in their several Visitations. And it is a Thing no less New, to Print and Publish the Grievances of the Clergy; which being drawn up in general Terms, make it believ'd both by Friends and Enemies, that there is a general Defect both of Discipline and Order throughout the Province. And whatever End might be really aim'd at in the Representation itself, We have great cause to believe that the Publisher had an ill Design in doing it. For he discover'd his Intention in a very ill-natur'd Preface, and unjustly conceal'd, not only our ready Reception, and Consideration of the Grievances, but also the Speech made by the President on that Occasion.

By which it is visible, that he design'd by Printing Them to bring a *Reproach* upon Us and our Administration : Not considering, how great a Mischief he had done to the Church and Clergy in General, by putting such Complaints into the Hands of opr. Enemies of all sorts.

Concerning the *Two Bills* for the easie recovery of *Church-Rates*, and against the *Licentiousness of the Press*; they know very well, that the President communicated Draughts of them to several of their House, in hopes of some Improvements from their Observations; but both were return'd without any Intimation that they had been at all consider'd; The *President* and *Bishops*, are as desirous, as their Clergy can be, to see these Bills pass'd into *Acts*, and will be thankful to any of the *Lower-House*, who have Jurisdiction in the Church, for such further Suggestions, as may possibly render them more Useful and Effectual.

The *President* has twice attempted in vain, to procure the Consent of the Two Houses of Parliament to that against the *Licentiousness of the Press*: But this will not Discourage either Him or his Suffragans from using their utmost Endeavours to get both pass'd into *Acts*, when the Bills shall have received the Improvements of such among the Clergy as shall be desirous to Peruse them, and may be offer'd to the Parliament with any Probability of Success.

As to their *Last Clause*, We shall be extremely ready and desirous to assist our Clergy in all Doubts and Difficulties, of what kind soever: And as to the *Directions* they pray concerning their refusal of the *Holy Sacrament* to unworthy Persons, We can give them no surer nor better, than they have in the *Rubrick* before the Communion Service, which is confirm'd by Act of Parliament. Nor (next the *Holy Scriptures*) can we give our Clergy any better Rule for their Behaviour in general, than the *Rubricks* and *Canons* of our *Church*; being well assur'd, that no one who observes them Strictly and Religiously, can ever be wanting, either in a dutiful Regard to his Superiors, or in a conscientious Care of the Flock, whereof those his Superiors, under Christ, have appointed him the Pastor and Minister.

Three Papers, which those of the Lower-Clergy did since leave upon the Table of the Upper-House, on Wednesday the 14th. Day of February, 1704,

May it please your Grace and your Lordships,

" **T**HE Lower-Clergy Assembled in Convocation this Winter, having long waited for your Lordships Directions, and receiving none, did on the 1st. of December last, present a Paper to your Lordships, wherein among other humble Offers and Requests by them made, they earnestly implored your Paternal Advice in relation to great Difficulties, under which the Clergy of the Province, then did, and still do Labour. To this Application your Lordships have hitherto vouchsafed them no manner of Reply.

" They did likewise prepare, and pass in their House on the Fifteenth of December last, several other Papers which they hoped long ere this to have laid before your Grace and your Lordships, but were prevented by your Lordships forbearing to meet as a House in the several intervening Sessions, and acquiescing in the Adjournments then made by the Archbishop's Commissary.

" The Clergy think it their Right and their Duty to complain, that while they were upon Business, they should be thus hindered in the Prosecution of it. Such Adjournments they Humbly conceive to be altogether without Precedent, and of most dangerous Consequence, Derogatory to Her Majesty's Authority, by which this Synod is Assembled, contrary to the express Intent of the Royal Writ, more amply declared in your Grace's Mandate of Summons, tending to cut off all Intercourse between the Two Houses, and by that means to frustrate the Use, and subvert the Constitution of an English Convocation, which the Clergy have done, and will by God's Blessing, do to all that is in their Power to Retrieve and Preserve.

To the most Reverend his Grace the Lord Arch-Bishop of Canterbury, and the Right Reverend the Lords Bishops his Suffragans in Convocation Assembled.

" **T**H E Lower-Clergy beg Leave to Represent to your Grace and your Lordships, that among many other Encroachments of the Dissenting Teachers, upon the Office and Rights of the Clergy, their frequently presuming to Administer the Holy Sacrament of Baptism in Private Non-licenc'd Houses, is one great Abuse, of very ill Consequence, no ways as we conceive, warranted or countenanc'd by the Act for Examining Protestant Subjects Dissenting from the Church of England, from the Penalties of certain Laws, &c commonly called the Act of Toleration; We humbly therefore pray, that your Lordships would be pleased to take this Matter into your Gracie and Wise Consideration, and endeavour, by all proper Means to put a stop to such bold Intrusions upon the Rules and Discipline of the Church by Law Established.

" We cannot but with great Concern observe, how the Numbers of Non-licenc'd Schools and Seminaries are multiplied, and the Dangers arising from them daily increase; And under a deep Sense of what may happen to be the fatal Consequence of such irregular Societies, as give no Security to Church nor State, and which we have Reason to believe, are labouring the Subversion of both; We think it our Duty at this time, most earnestly to beseech your Lordships, that you would be pleas'd to use your utmost Authority and Interest for the suppressing such Seminaries, and thereby prevent the growth of Popery, Schism and Sedition,

May

(23)

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; eswntal, on hisbed yhaesing ew eadis odi to rse partis
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WE the Clergy of the Lower-House of Convocation,
have found our selves, more than once, under the un-
welcome Necessity of laying before your Lordships
our just Complaints against the Right Reverend the Lord Bi-
shop of Sarum; and as unwilling as we are to Multiply such
Complaints, yet we are now again Compell'd to it, by a very
grievous and groundless Assertion, wherewich the said Right
Reverend Bishop has lately thought fit to load us, and which we
might seem in some measure to have deferv'd, should we con-
tinue Silent under it.

The Representation of Grievances, which we offered to your
Lordships last Winter, was, as we conceive, drawn up in a very
Inoffensive and Respectful Manner, and had accordingly a very
favourable Reception and Answer from your Grace. And yet,
from this Paper the aforesaid Right Reverend Bishop has taken
an Occasion, no ways given him, plainly to Insinuate if not
to Affirm, That many of the Persons concern'd in Preparing it,
are Enemies to your Lordships, the Queen and Nation. This
Reproachful Character He first gave of them to the Clergy of
his Diocese, and hath since, even while we were Assembled in
Synod, Publish'd to the World.

We thank God, we are not Conscious that his High Accu-
sation doth in any Branch of it, or in any Measure, belng
to us:

We are so far from being Enemies to your Lordships, that we
have ever accounted the Enemies or false Friends to Episcopacy
to be, for that Reason, Ours. We have been taught from our very
Infancy to Reverence your Order, and to Reverence even the
Bishop, against whom we now Complain, for the sake of it.

We have been always, firmly and zealously devoted to Her
Majesty's Interest, even before She ascended the Throne, and
have, since that, received from Her such unparalleled Marks of
Royal Favour and Bounty, that we should be the most Disloyal
of Subjects, and the Unworthiest of Men, should we not make
Her all the Returns of Duty and Gratitude that are possible, and
to our utmost Contribute towards rendring Her Reign (what
our constant Prayers to God are, that it may long continue to
be) Easie, Prosperous and Glorious.

"Ae.

" As to our being Enemies to the Nation, we know not what
" that part of the Charge was particularly design'd to Insinuate ;
" but sure we are, that as we were all of us Born and Bred up in
" it, so we have, and shall ever preserve, True English Hearts,
" and English Principles, suitable to our Birth and Education.

" We therefore, being, in our humble Opinion, thus openly
" aspers'd by undistinguishing Reflections cast on many of our
" Members; and, by that Means, on our House, and the whole
" Clergy of the Province, do, in the first Place, as becomes us,
" apply our selves to your Lordships; beseeching you to effectual-
" to interpose your Authority and Influence, that the said Right
" Reverend Bishop may be oblig'd, as openly, to Disclaim any
" such intended Meaning, or otherwise to make some Sufficient
" and Speedy Reparation to your much Injur'd Complainants.

RECORDED IN THE OFFICE OF THE CLERK OF THE COURT OF COMMON PLEAS FOR THE COUNTY OF ST. LOUIS, MISSOURI, ON THE 1ST DAY OF APRIL, 1904.

unilateralne mogućnosti, da niveti zavičajne strukture u skladu s

*His Grace's Speech, deliver'd to those of the Lower-Clergy
who were present, at the time of his Proroguing the Com-
munion, March 15th, 1703.*

Mr. Prolocutor, and the rest of the Clergy with you,

T hose of the Clergy who have been present in this Convocation, have brought up so many Complaints which were answered before, and so many Motions to proceed to Business, which we had often told you could neither be legally attempted, nor, during the Disputes about the Methods of Acting, be purſu'd with any possibility of Success; that we hop'd to hear no more of these very improper ways of Proceeding. But we find by some Papers which you lately left upon our Table, that the same Methods of Complaining were still continu'd.

We must therefore acquaint you that whatever Ends you may have propos'd to your selves from your repeated Applications of that kind, we do not find that the greatest part of them require any Answer after so many former Expressions of our Judgments and Resolutions concerning them. To those I must refer you for most other Things in your Papers. But some things there are particular in them, (I think) we ought the rather to observe, because they are such as we could scarce expect from you.

You tell us, That We have hitherto vouchsaf'd you no manner of Reply to your Paper of December the 1st; which, indeed, was, in many Respects of so undutiful a Nature, that it might have been justly accounted an Act of Clemency in us to pass it by without Censure. But yet we drew up our Observations upon every Branch of it; which, after they had been approv'd. and pass'd in Form, and enter'd in our Register, were thereby become part of the publick Acts of our House. Our Deputy-Register had special and repeated Di-

restious to shew them freely to any Person who should desire to peruse them: And we are also well assur'd, that the very Members who concurr'd in this late Complaint, understood, several Days before it was drawn up, that our Observations were to be seen among the other Acts and Proceedings of this House. The proper place where they ought to be look'd for by any that has a mind to Consult them, is at Lambeth. There the Register of Convocation lives, and there the Registry of the Archbishop was, before the Civil Wars; and there it still ought to be kept, as is well observ'd in the Preface to the first Volume of *Anglia Sacra*, by the Author of that Book, who shews a great Concern at the Removal of it. But, to save the Trouble of going thither, they are also to be seen at *Dector's Commons* in the Hands of the Deputy Register, whose readiness to Communicate them to the Members of Convocation, in Obedience to express Directions in that behalf, we have no Reason to Question.

There, as many of you as have not seen those Observations already, might have seen enough to have shewn you how unjustly we are charg'd with having made no manner of Reply to your Papers.

You complain in the same Paper, of the Bishops acquiescing in the Adjournments made by the Arch-Bishop's Commissary, and declare such Adjournments to be altogether without Precedent. We have often reminded you, that however that Term may have been used in some more private Writings, yet there is no such thing as an *Adjournment* in the Language or Practice of Convocation; that being a word very lately borrowed from Parliament, to countenance (as one would naturally think) the Independence of the Clergy of the Lower-House upon the Upper.

But taking the right Word, *Prorogations*, as they have been always call'd in our Books, to say that the ordering of these to be made by Commissaries (as they have been of late for several Days during the President's Indisposition, and other Hindrances) is a thing altogether without Precedent; this is what a Man should in common Prudence have forborn to affirm, if he had read over no more Writings than the *Registers*.

since the Restoration of the Royal Family.¹¹ For there he could not but have found, that this way of Proroguing Convocations was frequent in those first Years of K. Charles the Second's Reign, before there came any Royal Licence to empower them to undertake Business. Afterward, when His Majesty had order'd them to Review the Book of Common Prayer, tho' they sat all the time that that Business required, yet when that was at an End, they were ordinarily Prorogued in this manner, as is plainly to be seen in that Register Book, which being lately found out about two Years since, was then communicated to both Houses by the President's Order, and was publickly read in a Committee of both Houses of Convocation.

How the Manner was of Proroguing Convocations from the Fire of London till the Year 1681, when the last Convocation was held in K. Charles the Second's Time, this any one may see, that will take the pains to look into the remaining Schedules and Journals of that time. And here perhaps it may be of some use to give you Notice, that very many Schedules which had long lain obscurely among Moths and Cobwebs in the Room at Doctors-Commons, have been, some while ago, by Order of the President, taken out from thence, and pasted in Method, in a fair Book in Folio, deposited in the Registry at Lambeth-House for the better Preservation of Them. And to that Registry, as many as think fit, may at any time have Recourse.

Nor are such Prorogations (now there is no Royal Licence) more derogatory to Her Majesty's Authority, more contrary to the Intent of Her Royal Writ, or tending more to Subvert the Constitution of an English Convocation, at present, than they have been in all those former Convocations before the late Revolution; of which there never was any Complaint, that we have heard of, from Them who sat in those Convocations; however you, not only without Precedent, but against all Usage, have taken the liberty in that Paper to charge the Practice of your Superiors with these dangerous Consequences.

Your Representation concerning ~~Walpole's~~ Schism and Secrecy, is a Matter of Law, of which we take not upon us to be Judges and Interpreters; by our former Act in Consideration. But in this, and all other Cases, we have been, and always shall be very ready, to the utmost of our Power, to Protect the Church and Clergy within our several Jurisdictions, by all legal and proper Methods, from such Disturbances as may be given them in the Course of their Ministry, either by Dissenting Teachers, or by other Persons whatsoever.

Another part of your Representation contains a Complaint against the Lord Bishop of Sarum: Even Him, you say, you Reverence for the sake of his Order. Others will think you might have likewise had Respect to his great Abilities, and his eminent Zeal against all our Adversaries, particularly the most formidable of them, those of the Church of Rome.

That Complaint will admit of a clear, though short Answer.

We will remember (what you suggest) some former Complaints from the Lower-House against his Lordship; but none of them appear'd to us to have any plain and sufficient Ground. Nor do we find, upon mature Consideration of the Passage to which you refer us, that the *Envy to the Queen and Nation*, whiche his Lordship speaks of, is by any means applicable to the Lower-House, or to your late Representation; but plainly refers (as the Bishop himself did declare) to the *flying Reports*, which, with great Industry and Malice have been set about to the Prejudice of the Upper-House, and which All of us, as well as his Lordship, have therefore Reason to complain of. But as to the Persons, we are so far from enquiring after them, that whoever they are, we heartily pray God to forgive them, and to endue them with more Christian Spirits.

We think it for our Honour, that the Enemies of the Queen and Nation, are also the greatest Enemies we have; and despise all the Reproaches of such Men; pitying, in the mean time, those well-meaning Persons, who at present seem to be led away by their wilful and perpetual Mis-representations.

But whatever Censures may be pass'd upon us or our Administration; We resolve, by the Blessing of God, to govern our Selves, as we have hitherto done, by the *Articles* and *Rubriks*, the *Canons* and *Statutes*; knowing that a strict Observation of these by our selves and our Clergy, is a much more effectual, tho' more silent, way of supporting the Church, and giving Credit to the Ministry, than some other Secular and Uncanonical Methods, that have been practis'd of late with great Zeal and Vehemence. In Convocation, we have strictly adher'd to the ancient establish'd Methods of Proceeding; and this, we are sure, is the only way of preserving that part of our Constitution, and maintaining the Honour of Ecclesiastical Synods: Which cannot but be extreamly sunk in the Opinion of the Laity, by the unhappy Divisions rais'd among the Clergy, and the Principles propagated in them, equally favourable to Presbytery, and destructive of the Episcopal Authority. Which Evils, and many more, having evidently sprung from unprecedented Attempts and Practices, wherewith we could not comply without betraying the Trust repos'd in us by the Constitution, and giving up the ancient Metropolitical and Episcopal Rites; We know no way to *retrieve* (as you speak) the Honour of Convocations, but your departing from these unwarrantable Claims and Innovations, and returning to the ancient Canonical Methods.

We are far from affecting Arbitrary Power; but we cannot give up our just Authority over the Lower-Clergy in Convocation, which is clear and indisputable; and we have forborn to Exercise it thus long, in Tenderness to such of the Clergy as are engag'd in these new Measures, and in hopes that Time and Consideration would bring them back to their Duty and Obedience; however contrary the Event has prov'd to our just and reasonable Expectations.

This Convocation is near an End, and a new One will probably be summon'd; and as we cannot suffer this to conclude, without declaring all the Irregularites hitherto practis'd, and enter'd upon your Books, (those more particularly which are specified in our *Observations* upon your Paper of

Remember the 1st, to be Null and Void; for in order to an more regular beginning of the next (if we shall so long live) we shall have to call you, we shall have our Selves obliged by new Occasion be offer'd (which God forbid) to exert the Authority vested in us: seeing no better Fruit has been reaped from it, and it has been by some mis-contrived; as Few, and by others as Remissness. We wish, in the mean time (which we shall heartily also pray for) that the Clergy of the next Convocation may govern themselves by the Constitution it is, and not as they would desire it might be; That they may not divide in Two, that Body of the Convocation, which is but One; but prevent all irregularities, and thereby all Censure, by meeting together, with such peaceable Tempers and Dutiful Dispositions, as become their Function, and Order.

To which end, we recommend to you the Apostle's Exhortation, *to follow after the things which make for Peace; and the God of Peace be with you.*



F. I. N. S.